IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 938 OF 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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AHMEDABAD MUNICIPAL CORPORATION & ORS. - Appellant(s)

Versus

JITENDRABHAI VRAJLAL RAVANI & ANR. - Respondent(s)

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Appearance :

Shri Rajni H. Mehta for Appellant(s) : 1 - 3.

None for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 24/07/2007

ORAL JUDGMENT

The present appeal has been filed by the driver, owner and Insurance Company.

2. The Supreme Court in the matter of ***H.S. Ahammed Hussain & Anr. vs. Irfan Ahammed & Anr.***, [***AIR 2002 SC 2483***], has held that a joint appeal would be maintainable after deleting the name of the Insurance Company.

3. If I allow transposition of the Insurance Company as party respondent, then too, appellant Nos.1 and 2 would not be entitled to challenge the award because they have not to suffer any monetary liability.

4. In First Appeal No.554 of 1984, I have held that the owner and the driver would not be allowed to hold the brief for the Insurance Company and would also not be allowed to do what the Insurance Company cannot do.

5. Taking into consideration the totality of the circumstances, I find no good reason to interfere. The appeal deserves to and is accordingly dismissed. No costs.

[R.S.Garg, J.]

*kamlesh**